

BAY COUNTY ELECTION COMMISSION

MAY 20, 1994

THE BAY COUNTY ELECTION COMMISSION MET ON FRIDAY, MAY 20, 1994 IN THE COMMISSIONERS GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING. THE MEETING WAS HELD AT THE REQUEST OF DAVID LA COURT WHO HAD SUBMITTED FIVE (5) PETITIONS FOR COMMISSION REVIEW, IN THE RECALL OF BANGOR TOWNSHIP OFFICIALS INCLUDING SUPERVISOR C. JOSEPH CARLAND, CLERK SHARON RUSSELL, TREASURER WALTER DUEMLER AND TRUSTEES FRANK RECHSTEINER AND CLARENCE BENNETT. CHAIRMAN DONER CALLED THE MEETING TO ORDER AT 1:35 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS IN ATTENDANCE.

ROLL CALL: PAUL N. DONER, PROBATE JUDGE
 BARBARA ALBERTSON, CO. CLERK
 JEANETTE NEITZEL, TREASURER

ALSO SUSAN M. HEGLUND, BANGOR TWP.
PRESENT: TODD A. SHORKEY, BANGOR TWP.
 LEN F. KLIDA JR., BANGOR TWP.
 JAMES SCHMIDT, BANGOR TWP.
 JOHN HADD, BANGOR TWP.
 JERRY R. CODY, BANGOR TWP.
 JUDY K. CODY, BANGOR TWP.
 CLARENCE BENNETT, TRUSTEE
 WALT DUEMLER, TREASURER
 FRANK RECHSTEINER, TRUSTEE
 PATRICK DUGGAN, ATTORNEY
 DICK STASIK, BANGOR TWP.

CHAIRMAN DONER STATED THE PURPOSE OF THE MEETING WAS TO CONSIDER THE CLARITY OF THE LANGUAGE SUBMITTED ON THE RECALL PETITIONS WHICH READ "ON DECEMBER 22, 1993, (BOARD MEMBER) VOTED HIMSELF A 4.5% INCREASE IN PAY WHILE BANGOR TOWNSHIP WAS FACED WITH A DEFICIT. HE THEN VOTED IN A SPECIAL MEETING ON MARY 24, 1994 TO LAYOFF FOUR (4) FULL TIME EMERGENCY MEDICAL TECHNICIANS/FIREFIGHTERS, THEREBY JEOPARDIZING THE HEALTH, WELFARE AND SAFETY OF THE RESIDENTS OF BANGOR TOWNSHIP".

UNDER JURISDICTION OF THE OPEN MEETINGS ACT, CHAIRMAN DONER WAS WILLING TO ACCEPT COMMENTS FROM THE FLOOR AT THIS TIME. NO ONE WISHED TO ADDRESS THE ELECTION COMMISSION DURING THE CITIZEN INPUT PORTION OF THE MEETING.

THE STATE STATUTE BY WHICH THE ELECTION COMMISSION WAS GOVERNED WAS READ ALOUD BY CHAIRMAN DONER, THE MCLA 168.952 ADDRESSED WHERE THE PETITION WAS TO BE

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FILED, THAT IT BE PRESENTED TO THE COUNTY ELECTION COMMISSIONERS AND THAT "THE BOARD OF COUNTY ELECTION COMMISSIONERS NOT LESS THAN TEN (10) DAYS, NOR MORE THAN TWENTY (20) DAYS AFTER SUBMISSION TO IT OF A PETITION FOR A RECALL, SHALL MEET AND SHALL DETERMINE WHETHER THE REASONS FOR A RECALL STATED IN THE PETITION ARE OR ARE NOT OF SUFFICIENT CLARITY TO ENABLE THE OFFICERS OF WHOSE RECALL IS SOUGHT AND ELECTORS TO IDENTIFY THE COURSE OF CONDUCT WHICH IS THE BASIS FOR THE RECALL." IN ADDITION, THE HEARING WAS NOT CALLED TO DETERMINE A PETITIONS VALIDITY, SUFFICIENCY OR TRUTHFULNESS BUT ONLY ITS CLARITY OF LANGUAGE TO THE ELECTORS OR PARTY BEING RECALLED.

SINCE THE LANGUAGE ON EACH PETITION WAS THE SAME, IT WAS THE CONSENSUS OF THE BOARD THEY BE VOTED UPON AS ONE ISSUE.

ATTORNEY PATRICK DUGGAN QUESTIONED THE CLARITY OF A PETITION SUBMITTED IN ATTEMPTS TO RECALL BANGOR TOWNSHIP TRUSTEE FRANK RECHSTEINER. HE FELT THE LAST SENTENCE OF THE PETITION "THEREBY JEOPARDIZING THE HEALTH, WELFARE AND SAFETY OF THE RESIDENTS OF BANGOR TOWNSHIP", WAS NOT A REASON BUT MORE OF AN ARGUMENT OR A DEVICE TO BE USED TO URGE A MEMBER OF THE ELECTORATE TO SIGN A PETITION. IT WAS HIS OPINION, ARGUMENTS WERE NOT TO BE INCLUDED IN A BALLOT QUESTION AND THEREFORE ASKED THE LAST PORTION OF THE WORDING BE STRIKEN FROM CONSIDERATION.

BANGOR TOWNSHIP RESIDENT DICK STASIK FELT THE PETITION LANGUAGE CORRECTLY IDENTIFIED THE WAY HE FELT AS A BANGOR TOWNSHIP RESIDENT. ALSO, THAT OMISSION OF THE LAST SENTENCE REFERRED TO BY ATTORNEY DUGGAN, WOULD NOT TAKE AWAY FROM THE INTENT OF THE PETITION AND THAT IT WOULD STILL BE SUFFICIENTLY CLEAR TO A VOTER.

TREASURER JEANETTE NEITZEL STATED THE OMISSION OF THE LAST SENTENCE REFERRED TO BY ATTORNEY DUGGAN, WAS NOT A FACT THE BOARD WAS CAPABLE OF DETERMINING.

CLERK ALBERTSON QUESTIONED WHETHER OR NOT THE ELECTION COMMISSION HAD THE AUTHORITY TO AMEND OR CHANGE ANY WORDING ON A PETITION SUBMITTED FOR ITS CLARITY/REVIEW. IT WAS CHAIRMAN DONER'S UNDERSTANDING, THE PETITION WAS TO BE VOTED UPON AS PRESENTED IN ITS ORIGINAL FORM.

CHAIRMAN DONER DID NOT CONSIDER THE LAST PORTION OF THE PETITION "THEREBY JEOPARDIZING THE HEALTH, WELFARE AND SAFETY OF THE RESIDENTS OF BANGOR TOWNSHIP", TO BE AN ARGUMENTATIVE STATEMENT AND INDICATED THE PETITION LANGUAGE WAS QUITE CLEAR. THE MEMBERS AGREED.

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MOTION 1: CLERK ALBERTSON MOVED TO APPROVE THE WORDING SUBMITTED FOR CLARITY IN THE RECALL OF THE BANGOR TOWNSHIP SUPERVISOR, CLERK, TREASURER AND TWO (2) TRUSTEES. JEANETTE NEITZEL SUPPORTED THE MOTION TO APPROVE IN ACCORDANCE TO MCLA 168.952 REFERRING TO CLARITY. CHAIRMAN DONER REQUESTED A ROLL CALL VOTE ON THE MOTION.

YEAS: ALBERTSON, NEITZEL, DONER
NAYS: NONE

MOTION TO APPROVE THE CLARITY OF THE PETITIONS SUBMITTED FOR RECALL OF THE BANGOR TOWNSHIP BOARD MEMBERS WAS CONSIDERED CARRIED BY ROLL CALL VOTE.

CHAIRMAN DONER INFORMED THOSE IN ATTENDANCE, THAT THE PETITION LANGUAGE HAD BEEN APPROVED AND WERE ABLE TO BE CIRCULATED THROUGHOUT BANGOR TOWNSHIP.

CLARENCE BENNETT WONDERED IF PETITIONS REMAINED ACCEPTABLE FOR FILING WHEN A CIRCULATOR MIGHT PLACE THEM IN A PUBLIC BUILDING/STORE FOR SIGNATURE, WITHOUT ACTUALLY "CIRCULATING" THEM DOOR TO DOOR. CHAIRMAN DONER RESPONDED THE CONDITIONS OF THE STATUTE FOR THE CIRCULATION OF PETITIONS HAD TO BE MET. IF AN INDIVIDUAL FELT THE CIRCULATOR DID NOT COMPLY WITH THE LAW, COULD TELL THE CLERK AT THE TIME OF THE FILING OF THE PETITIONS SO THE VALIDITY COULD BE DETERMINED.

CHAIRMAN DONER STATED THE BOARD WOULD RECESS TO THE CALL OF THE CHAIR. THE MEETING WAS CONCLUDED AT 1:55 P.M.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON
BAY COUNTY CLERK